

1 CHARLES T. WRIGHT, ESQ.
2 Nevada Bar No. 10285
3 PIET & WRIGHT
4 3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146
Attorney for Debtors

5 **UNITED STATES BANKRUPTCY COURT**
6 **DISTRICT OF NEVADA**

7
8 In re:
9 SOLANO, GLORIA
10 Debtor(s).

CASE NO.: BK-S 09-21207-LBR
IN CHAPTER 13 PROCEEDINGS

2005 NISSAN QUEST MINIVAN

Hearing Date: October 20, 2010
Hearing Time: 10:30 a.m.

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13 **OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COME NOW, GLORIA SOLANO (hereinafter the “Debtor”), by and through
15 her attorney, CHARLES T. WRIGHT, ESQ., of the law firm of PIET & WRIGHT, and
16 respectfully request this Court to deny the MOTION FOR RELIEF FROM THE
17 AUTOMATIC STAY filed by **WELLS FARGO DEALER SERVICES, INC. FKA**
WACHOVIA DEALER SERVICES, INC. A CALIFORNIA CORPORATION,
18 **FKA WFS FINANCIAL, INC.**, by and through its attorney, GARY L. COMPTON, as
19 follows:
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POINTS AND AUTHORITIES

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25 11 U.S.C. Section 362(d)(1) states that the Court may terminate, modify or
26 condition stay

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28 “for cause, including the lack of adequate protection of an interest
in property of such party in interest;---“

PIET & WRIGHT ATTORNEYS AT LAW P&W
3130 S. Rainbow Blvd., Ste. 304
Las Vegas, Nevada 89146
Telephone: (702) 566-1212
Facsimile: (702) 566-4833

11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay
“with respect to a stay of an act against property under subsection
(a) of this section, if –

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- (A) the debtors do not have an equity in such property AND
 - (B) such property is not necessary to an effective reorganization”

STATEMENT OF FACTS

Debtor's property has liens of approximately \$12,982.00 for the property described as a 2005 Nissan Quest Minivan.

This property is necessary as the Debtors main source of transportation.

11 U.S.C. Section 361(1) may apply as:

- 1. Debtors acknowledge that if they are late on the post petition payments, they will need some time to acquire the necessary funds to cure all post-petition arrearages.
- 2. Debtors intentions are to stay current on future post-petition payments.
- 3. This property is subject to setoff to U.S.C. Sections 506 and 1123(b)(5).

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1 THEREFORE, Debtors request that the Motion filed be denied under 11 U.S.C.
2 Section 362(d)(1) or (2), and that any action on creditor's behalf be stayed for an
3 adequate amount of time to allow Debtors to become current on the post petition
4 arrearages and/or to stipulate to an Adequate Protection Order.
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6 Dated this 19th day of October, 2010.

7 Respectfully submitted,

8 PIET & WRIGHT

9 By: /s/ Charles T. Wright
10 CHARLES T. WRIGHT, ESQ.
11 Nevada Bar No. 10285
12 3130 S. Rainbow Blvd., Ste. 304
13 Las Vegas, Nevada 89146
14 *Attorney for Debtors*
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